

# JOURNAL OF THE HOUSE

First Extraordinary Session, 92nd GENERAL ASSEMBLY

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FOURTH DAY, THURSDAY, JUNE 5, 2003

Speaker Hanaway in the Chair.

Prayer by Representative Annie Reinhart.

Heavenly Father,

Thank You for this day, a day with every opportunity to serve You. Grant to us as Your body, a collective wisdom, knowledge and discernment. Help us to seek how we can serve more than He served, to love more than to be loved, to understand more than to be understood.

We thank You for Your goodness and mercy to better do Your will. In Your Son's name, Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Grant Hoehn, Malissa Hoehn, Ariel McCleary and Heather McCleary.

The Journal of the first day was approved as printed and the Journals for the second and third days were approved as corrected by the following vote:

AYES: 092

Angst	Avery	Baker	Bean	Bearden
Behnen	Bivins	Black	Bough	Brown
Bruns	Byrd	Cooper 120	Cooper 155	Crowell
Cunningham 145	Cunningham 86	Davis 19	Deeken	Dempsey
Dethrow	Dixon	Dougherty	Dusenberg	Emery
Engler	Ervin	Fares	Goodman	Guest
Hobbs	Holand	Hunter	Icet	Jackson
Jetton	Johnson 47	Kelly 144	King	Kingery
Lager	Lembke	Lipke	Luetkemeyer	Marsh
May	Mayer	Miller	Moore	Morris
Munzlinger	Myers	Nieves	Page	Parker
Pearce	Phillips	Portwood	Pratt	Purgason
Quinn	Rector	Reinhart	Richard	Roark
Ruestman	Rupp	Sander	Schaaf	Schlottach
Schneider	Self	Shoemaker	Smith 118	St. Onge
Stefanick	Stevenson	Sutherland	Taylor	Threlkeld
Townley	Viebrock	Villa	Wallace	Wasson
Whorton	Wilson 119	Wilson 130	Wood	Wright
Yates	Madam Speaker			

NOES: 054

Abel	Adams	Bishop	Burnett	Campbell
Corcoran	Curls	Darrough	Daus	Davis 122
Donnelly	El-Amin	Fraser	Graham	Green
Hampton	Harris 23	Haywood	Henke	Hilgemann
Hoskins	Hubbard	Johnson 61	Johnson 90	Jolly
Jones	Kratky	Kuessner	Lawson	LeVota
Liese	McKenna	Meiners	Merideth	Muckler
Ransdall	Sager	Salva	Schoemehl	Seigfreid
Selby	Skaggs	Spreng	Vogt	Walker
Walsh	Ward	Wildberger	Willoughby	Wilson 25
Witte	Yaeger	Young	Zweifel	

PRESENT: 012

Barnitz	Bland	Boykins	Bringer	Brooks
George	Harris 110	Kelly 36	Lowe	Shoemyer
Thompson	Walton			

ABSENT WITH LEAVE: 005

Carnahan	Crawford	Smith 14	Wagner	Wilson 42
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## INTRODUCTION OF HOUSE JOINT RESOLUTION

The following House Joint Resolution was read the first time and copies ordered printed:

**HJR 1**, introduced by Representative Dougherty, relating to gaming.

## INTRODUCTION OF HOUSE BILL

The following House Bill was read the first time and copies ordered printed:

**HB 31**, introduced by Representatives Bearden, Reinhart, Portwood, Wright, Jetton, Crowell and Hanaway, relating to medical services and eligibility.

## PERFECTION OF HOUSE BILL - APPROPRIATIONS

**HCS HB 2**, relating to appropriations, was taken up by Representative Bearden.

Speaker Pro Tem Jetton assumed the Chair.

Representative Shoemyer (9) offered **House Amendment No. 1**.

### *House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 2, Page 2, Section 2.015, Line 4, by deleting the number "1,729,342,155" and inserting the number "1,738,457,769"; and

Further amend said section, Line 5, by deleting the number "152,585,346" and inserting the number "143,469,732" and adjust section and bill totals accordingly.

Speaker Hanaway resumed the Chair.

**HCS HB 2, with House Amendment No. 1, pending,** was laid over.

### MOTION

Representative Crowell moved that Rule 113 be suspended to receive members of the Senate, the Governor and other statewide elected officials.

Which motion was adopted by the following vote:

AYES: 152

Abel	Adams	Angst	Avery	Baker
Barnitz	Bean	Bearden	Behnen	Bishop
Bivins	Black	Bland	Bough	Boykins
Bringer	Brown	Bruns	Burnett	Byrd
Campbell	Carnahan	Cooper 120	Cooper 155	Corcoran
Crawford	Crowell	Cunningham 145	Cunningham 86	Curls
Darrough	Daus	Davis 122	Davis 19	Deeken
Dethrow	Dixon	Donnelly	Dougherty	Dusenberg
El-Amin	Emery	Engler	Ervin	Fares
Fraser	George	Goodman	Graham	Green
Guest	Hampton	Harris 110	Harris 23	Henke
Hilgemann	Hobbs	Holand	Hoskins	Hubbard
Hunter	Ice	Jackson	Jetton	Johnson 47
Johnson 61	Johnson 90	Jolly	Jones	Kelly 144
Kelly 36	Kingery	Kratky	Kuessner	Lager
Lawson	Lembke	LeVota	Liese	Lipke
Lowe	Luetkemeyer	Marsh	May	Mayer
McKenna	Meiners	Miller	Moore	Morris
Muckler	Munzlinger	Myers	Nieves	Page
Parker	Pearce	Phillips	Portwood	Pratt
Quinn	Ransdall	Rector	Reinhart	Richard
Roark	Ruestman	Rupp	Salva	Sander
Schaaf	Schlottach	Schneider	Schoemehl	Seigfreid
Selby	Self	Shoemaker	Shoemyer	Smith 118
Spreng	St. Onge	Stefanick	Stevenson	Sutherland
Taylor	Thompson	Threlkeld	Townley	Viebrock
Villa	Vogt	Walker	Wallace	Walsh
Walton	Ward	Wasson	Whorton	Wildberger
Willoughby	Wilson 119	Wilson 130	Wilson 25	Witte
Wood	Wright	Yaeger	Yates	Young
Zweifel	Madam Speaker			

NOES: 003

Merideth	Purgason	Skaggs
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PRESENT: 001

Sager

ABSENT WITH LEAVE: 007

Brooks  
WagnerDempsey  
Wilson 42

Haywood

King

Smith 14

**ADDRESS BY PRESIDENT PRO TEM PETER KINDER**

I wish to appeal to you first for some cooperation on three measures we passed that you have pledged to veto. First, you have pledged a veto of the right-to-carry bill we passed, yet again, with overwhelming bipartisan support. A few facts: This year saw three more states - Minnesota, Colorado and New Mexico - pass this bill. So we have now 22 states that have passed right-to-carry during the decade that leaders of your party have fought our efforts to extend this right to law-abiding Missourians, well-trained in handling firearms. With the action of these three states, we as Missourians now find ourselves isolated among only five states that stubbornly deny our citizens this natural right of self-defense.

In a remarkable op-ed piece published last month in the St. Louis Post-Dispatch, a Democrat and former congressional candidate from St. Louis named John Ross addressed this issue. Ross comes from a remarkable lineage: His grandfather was Charlie Ross, who served as press secretary to President Harry Truman at a time when both of my grandfathers called themselves Harry Truman Democrats. John Ross' piece addressed your lack of cooperation and impending veto of right-to-carry. It is Ross' thesis that if you follow through on this veto, you will further accelerate the decline of the party of my grandfathers across this great state. A look at the electoral map, and the 104 counties that passed right-to-carry four years ago, is instructive.

My question to you, Governor, with all due respect sir, is simple: Why do you not trust law-abiding Missourians with a right that the vast majority of Americans already exercise safely and responsibly, day in and day out?

Governor, I ask for your cooperation and implore you not to veto, but to sign, the right-to-carry bill.

Second is the 24-hour waiting bill for abortions. A little research shows that 21 states already have this reasonable measure on their books. Year-in and year-out for three decades, Missourians have elected overwhelming pro-life majorities no matter which party controlled the General Assembly, a result re-confirmed and strengthened last November. Yet you seem determined to out-do your predecessor in not cooperating with our pro-life majority and fighting us at every turn.

Governor, I ask for your cooperation and implore you not to veto, but to sign the 24-hour wait bill.

Third is the vital issue of lawsuit reform. Here, your position is most interesting. You acknowledge that a problem amounting to a crisis exists, but seem to believe that it is limited to medical malpractice. Your stated position, released in a statement as we Senators approached our 30th hour of debate over three days and nights, was that you would sign a bill encompassing our work as it related to medical malpractice, leaving out all other Missourians. "Take out the docs, address the concerns of the medical providers," seems to your approach, and leave all other Missouri businesses and individuals to operate under a different system of civil justice.

Governor, let me tell you about my late father, a pediatrician who practiced for 52 years in Cape Girardeau. Three-and-a-half years before his death in an auto accident on July 1, 2000, he had closed his practice to move to the county health unit in the poorest part of South Cape Girardeau, there to see an exclusively Medicaid population, heavy with minorities, who had no one else to take care of them. He was a living, breathing lesson straight out of the 25th Chapter of the Gospel of Matthew, and this as he moved with energy and purpose into his ninth decade of life. Seeking nothing for himself, no man of words but rather a man of action and humility, he was a living exemplar of the wisdom etched into the walls outside the Senate chamber: "Not to be served, but to serve." Were Dr. Jim Kinder here today, I know what he would say: He would tell us that is just flat wrong to say that we should have one civil-justice system for doctors and another, more onerous one, for all other Missourians.

Governor, I ask for your cooperation and implore you not to veto, but to sign, the lawsuit-reform bill.

And now for the budget, the reason you have brought us back to the Capitol for this extraordinary session. I join with most Missourians in believing that this session is unnecessary, that we in the House and Senate did our darndest to put together a sound budget in very difficult times, and that at least in our chamber, it was a bipartisan compromise with a bipartisan result.

You have responded with a six-figure television and radio advertising campaign attacking us, and by flying around the state at taxpayer expense, holding staged media events to decry our work.

Governor, I join with other Missourians from all walks of life, who are asking of their elected leaders, when it comes to taxes: What part of “no” don’t you understand?

On the last afternoon of the session, May 16th, at my invitation you came to my office to discuss a Medicaid cost-containment measure that you had asked us to pass, in your state-of-the-state message in January. It was a Senate bill, a major piece of legislation. Unlike the norm when your party controlled the Senate and House, we had a key member of the minority party handling this major bill. This was a bill that you had asked us to pass, and on which your budget was predicated, as you had built in the cost-savings from its passage into your plan.

With four hours remaining in the session, I implored you to compromise with us and call off the dogs and help us pass the bill you had asked for. In response, I received a total lack of cooperation and was met with a stone wall from you and your aides. The bill failed of adoption as time ran out on an otherwise tremendously productive session.

It now appears clear that this refusal on your part was part of a well-planned strategy – do not cooperate, do not compromise – urged on you by political aides and decided on weeks if not months earlier, to deny us these and other savings, and then blame the resulting larger budget gap on us.

Governor, the people who sent us here expect better of us than this – another cynical version of the blame game.

We in the Legislature met our constitutional duty to pass a realistic budget plan authorizing expenditures by the state within the time allowed. Whether you like it or not, we produced a bipartisan budget compromise that was on-time and based on real revenue. You have taken our on-time budget and turned it into an over-time budget, with billions for education and healthcare hanging in the balance.

We in the Legislature reduced real spending to match the real revenue we expect our state to receive.

We have refused, and will continue to refuse, to write a budget plan based on the imaginary revenue you would like to send to a vote of the people in order to force Missourians to cough up more.

And yes, the difference between your budget and the budget we passed is the difference between real and imagined revenue:

You balanced your budget in January based on \$700 million in imaginary revenue – money that is only possible as a figment of your imagination.

We passed a bipartisan budget compromise that was on-time and balanced on real revenue.

You vetoed \$12 billion we approved as part of our bipartisan budget compromise for school children, college students, the poor and elderly, while demanding another \$700 million from taxpayers.

Throughout this entire legislative session, our new majorities have cooperated with you and made serious efforts to compromise where we could.

Early in the session, we reached a compromise to address the fiscal year 2003 shortfall by issuing revenue bonds that saved taxpayers over \$200 million dollars over the life of the bonds. Our efforts allowed us to keep over \$200 million to go towards the pending crisis in fiscal year 2004.

In fact, we have cooperated and compromised on many of the proposals you asked us to consider. We met you more than half way on the tax loopholes you asked us to close, adopting six of your eleven recommendations.

We compromised by meeting you more than half way on new revenues, handing you \$400 million in additional money even before consideration of the federal revenue that is now on its way.

The President and the Congress, led by our two United States Senators, have sent us nearly \$400 million in help, but even this doesn't quench your thirst for higher taxes. Perhaps you can explain to us, and to thousands of listening Missourians, why it is that you just want MORE!

Governor, I don't understand how you can ask us for cooperation and compromise when you and your Democrat attack machine criticize us for a budget that is \$12 MILLION out of balance, while creating a budget crisis that is \$12 BILLION out of balance.

As sure as I know I am standing here today, I know we in the Legislature have cooperated with you and your administration as much as we possibly can.

But we cannot and will not compromise on sending any tax increase to a vote of the people.

Governor, your comments in recent days, together with those of your budget director, clearly point to still more vetoes of the budget bills that are moving toward your desk, a course that will take us to an unprecedented shutdown looming at the end of this month. If and when that day comes, let everyone in this great state fix that responsibility where it so clearly belongs: On your shoulders and yours alone.

I implore you, Governor, to turn back from this course before it is too late!

### **ESCORT COMMITTEE**

The Speaker appointed the following committee to escort the Honorable Bob Holden, Governor of the State of Missouri to the dais: Representatives Goodman, Davis (19), Wilson (130), Ervin, Cooper (155), Emery, Harris (110), Burnett, Boykins and Graham.

The Doorkeeper announced the approach of the Honorable Bob Holden. The Governor was duly escorted to the House Chamber and the Speaker's dais.

### **ADDRESS BY GOVERNOR BOB HOLDEN**

Madam Speaker, Mr. President Pro Tem, First Lady Lori Hauser Holden, and Members of the 92nd General Assembly:

We are here today for one reason and one reason alone. I called for this special session of the legislature, because the work of the people remains unfinished. As all of you know, our state finds itself in the gravest of circumstances. How else can you describe a budgetary crisis where you, the state legislature, did not present a balanced budget as required by our constitution?

By your actions, you have now demonstrated it is not possible to balance Missouri's budget without devastating cuts to education and health care or new sources of revenue. And, even with a one-time infusion of federal funds, your budget is still severely out of balance ...which means that your work, and my work, is far from finished.

To claim that this federal money will solve our budget problems is like finding a ten-dollar bill and thinking you'll never have to pay for lunch again. You're either deceiving yourself ... or trying to deceive the people. The truth is, no one is going to rescue us from this imbalance. That's our responsibility as public servants.

It's not public service to pass an unbalanced budget ... and then wait for someone else to solve the problem. It's not public service to ignore fiscal reality and claim revenues that don't exist. It's not public service to apply one-time federal funds and claim that the problem is solved, when clearly it isn't. And it's not public service to protect the tobacco and gambling interests at the expense of our young, our sick, and our elderly.

Let me say this as clearly and as bluntly as I can ... you are not fooling anyone. Even with your severe cuts to education and health care, your budget still does not balance. And you've done nothing to solve the underlying problems that created this budget crisis in the first place. Which means that next year we'll be right back here in the same budget hole ... unless we rise to our duty, face reality, and solve this problem together.

Because Missouri deserves better than this. We can do better than a budget that throws thousands of working adults off of Medicaid. We can do better than a budget that eliminates mental health services for thousands of adults and troubled children. We can do better than a budget that forces mass layoffs of public school teachers. And we can do better than a budget that raises tuition and puts college out of reach for thousands of Missouri families. This is the budget you have presented ... and this is the budget I have vetoed.

Over the last two years, I've cut over one billion dollars in state spending ... more than any Governor in Missouri history. We've cut fat. Now you're cutting the bone. We can't allow that to happen.

Some of you have said that "people should be doing more for themselves." Well, tell that to the parents of an autistic child ... as if those parents weren't already doing all that they can in a difficult situation. Tell that to a child whose teacher has been laid off ... as if children could teach themselves how to read. Or tell that to a low-income worker stricken with pneumonia. Tell them to heal themselves, because there just isn't enough money to pay for health care.

We cannot balance this budget by pointing fingers at those in our society who fall short of perfection ... or by shredding the safety net that allows thousands of citizens to live their lives with dignity and good health. In Missouri, we're better than that.

I don't think all of you believe in survival of the fittest. I believe more thoughtful heads can prevail. You all know my proposed solution. By closing corporate tax loopholes ... raising cigarette and gambling taxes ... and by raising the income tax on those who make more than \$200,000 per year, we can balance our budget without cutting education and health care.

As you are also aware, we are not a high-tax state. Missouri has a tradition of respecting the hard-earned dollars of working families ... That's why we're ranked 44th in the nation in total tax burden on our citizens. This proposal reflects the best of that tradition.

The undeniable truth is that the vast majority of Missouri taxpayers won't pay one penny more in taxes. Clearly, some of you agree ... and some of you disagree. For those who disagree, your solution is to rely only on devastating cuts to education and health care ... while protecting the tobacco and gambling companies. I'm not willing to trade teachers and doctors for cigarettes and poker chips.

And your solution rips the safety net out from under our most vulnerable while sheltering some of our biggest corporations from paying their fair share. I am not willing to sacrifice our mentally ill and disabled to protect a corporate tax loophole. To me, and to hundreds of thousands of Missouri families across this state, it's a clear choice. But for some reason, here in the State Capitol, we're at an impasse. I want to let the people decide.

That's why I'm asking for a public vote. Let's allow the voters of this state to make an informed decision. An increase in cigarette and gambling taxes ... or fewer teachers in the classroom. Corporate tax loopholes ... or health care for low-income children. Drastic cuts or sensible tax reform.

Ladies and gentlemen, the Missouri Constitution demands that we do something. And we can either close this gap the right way or the wrong way. I say let the people decide.

Here's another way to look at the question before you. By blocking a budget referendum, you are telling the voters that they need to be protected from themselves. I trust the people of this state. I trust their common sense, their fairness, and their values.

Abraham Lincoln once said: "I am a firm believer in the people. If given the truth, they can be depended upon to meet any crisis. The great point is to bring them the real facts."

Well, the facts are on the table. Your plan is on the table ... and so is mine. If you're certain that you're right, then you shouldn't be afraid of a public vote. And if you happen to be wrong ... then who gets hurt? The public will have spoken.

We as a people have to decide what's most important to us. And all of us as leaders have to remember who we're here to serve. This is a difficult time in Missouri history ... and a difficult time for our country. But I truly believe that we'll solve this budget crisis through the wisdom of our people and by the grace of God.

There are moments in our lives when there should be no shame in asking for guidance from a higher authority. At a time of great disagreement among good people, this is one of those moments. Today, the people of Missouri are a higher authority ... and we are their servants.

Pass the budget referendum ... and let the people decide.

Thank you very much and God bless the great state of Missouri.

### **ADDRESS BY SPEAKER CATHERINE HANAWAY**

Fellow members of the General Assembly, at the end of the day, when the debates and speeches have finished, when the arguing stops, when the reporters have written their stories and broadcast the news, when we have retired to our offices to continue our work, and when this chamber is quiet, the essential truth of this great debate over the state budget will remain.

Each and every member of the Missouri General Assembly, whether Republican or Democrat, pursues a course of action that he or she believes is best for the people of this state. And, while we spend most of the legislative session debating the intricacies of hundreds of bills, we are united in our desire to serve the best interests of our communities.

Today, we stand divided, not by facts and figures, programs and dollar amounts, dedication or strength of conviction, but by a difference in **HOW TO SOLVE THESE PROBLEMS**.

For 48 years, we have tried to serve the people by growing government and raising taxes.

And yet, government still cannot satisfy every need and the bureaucracy has grown too big too fast to be sustained by the taxes paid by Missourians.

Maybe, it is time to try another way. Maybe, it's time to trust that Missourians will use their hard earned dollars better than government, that instead of growing bureaucracy, Missourians will create jobs, take care of themselves and their families and increase our capacity to solve the state's problems.

Today, the Governor has asked the question: Should we solve our state problems by raising taxes or should the government live within its means? **The answer is that the time has come for government to live within its means.**

Make no mistake, **We are not here as representatives of government; we are here as representatives of the people.** The people elected us to come here and represent their interests in the government.



Representing them means living up to the greatness that lies within those Missourians. We stand with them, we stand for them and we stand on the shoulders of those who came before us. And, our fellow Missourians have had to live through much tougher times than these.

They pioneered this state, survived a Civil War, recessions and depressions and World Wars. They made sacrifices for us, for our freedoms and for the greatness of this state. They and we are a generous and compassionate people and a people who share some fundamental values:

Missourians value:

Hard work  
Self reliance  
Self sacrifice  
Education  
Freedom  
Family

And Missourians take responsibility:

For those who can't possibly provide for themselves.

And Missourians take responsibility:

For the quality of the public schools.

And, Missourians understand this fundamental truth, when anyone receives a benefit of any kind from state government the people of Missouri have to pay for it. Missourians capacity for love of their fellow man and desire for the best in public schools is **boundless**, but Missourians ability to pay for their fellow man and schools is **bounded** by the earnings of the working men and women of this state.

When Missourians work more and earn more, they can do more for themselves and their fellow man.

That's why during this legislative session the only litmus test applied to legislation was: will this proposal create jobs or kill jobs?

And make no mistake this litmus test was critical, the real crisis facing this state isn't that taxes are high enough; it is that the state has lost more jobs than any other state in the country. And, when Missourians lose their jobs or earn less money they pay less in taxes. Then, the government collects less money, and the government can't spend as much.

It is a very delicate balance. When I think about our state's budget problem, I try to put faces on that problem. First, I think about a child, maybe a child with Down's syndrome, or an elderly grandmother in a nursing home. Then, I think about the family, with a mom, a dad and three kids, where mom and dad are both working. I think about the sacrifices they are making to make ends meet, to take care of themselves, to pay for their health insurance and to pay their taxes to support our schools and those can't do for themselves.

Then, I look at the competing proposals for balancing this budget and the effect those proposals will have on all these people.

The Governor's approach would increase taxes on corporations, the rich, cigarettes and gaming. And, he says these aren't taxes on any working man or woman who doesn't want to pay them.

But that's where he is wrong, every one of the \$700 million in taxes he would take for state government is money that could be spent to hire more people or to pay overtime or to make house payments or to buy school clothes.

Each of the last two years, tax collections for the state have declined, not because we have had a tax cut, but because Missourians are making less money. Consequently, each of the last two years, state government, like the citizens who pay for it, has been able to afford a little less. It is time to stop this downward slide.

Increasing taxes by \$700 million may result in a momentary increase in state revenues, but it will also immediately mean a \$700 million cut in what Missourians have to provide for their families and take care of themselves. All the jobs that could be created and purchases made with that money would mean more tax revenue to the state. Instead, if we tax more, all those dollars come to state government and don't increase productivity and ultimately result in a further decline in state revenues. In other words, a tax increase means we will hurt the child with Down's syndrome, the grandmother in the nursing home and the working family, because the people of this state will continue each year to be able to afford less and less for themselves, for their government and their fellow Missourians.

Nearly fifty years ago, one Missourian, a worker at McDonnell Douglas, named Earl Walker had an idea. He thought he could build a better bolt. So, he bought some tools and starting building that bolt in his garage on nights and weekends. He was right. He could build a better bolt, and soon, he needed help. So, he hired three of his friends, rented a warehouse and founded a company that now employs hundreds of people, making it possible for hundreds of families to provide for themselves and pay taxes that help others and support schools.

There are thousands of stories just like that of Missourians who started with nothing and ended up providing for many. But, what would have happened to Earl Walker, and to the thousands like him, if just as he started growing his business and employing more people we taxed him out of business?

The Governor began the legislative session saying that we must raise taxes by more than \$700 million.

After months of difficult decisions, the legislature met the Governor halfway increasing revenues by more than \$350 million. We did that by closing corporate loopholes, collecting from tax cheats and some bonding, and we closed the rest of the budget gap by reducing spending by more than \$400 million.

Then, the Governor did something that no Governor has ever done, not through all those tough times faced by past Missouri Governors, not during the Depression, not during the World Wars, not during any of those much larger crises, HE VETOED THE APPROPRIATIONS BILLS FOR PUBLIC EDUCATION AND SOME OF THE STATE'S MOST VITAL SERVICES.

And, he said, I still need more than \$700 million in new taxes.

Next, we received some very good news from President Bush. Missouri state government will receive a check from the federal government for almost \$400 million – so now the Governor would have more new revenue than he had originally asked for.

Still, he said I need \$700 more million in new taxes.

And, he wrote each of us this letter and asked us and I quote, "to turn our full attention to finding the revenue needed to prevent the devastating cuts to education and vital human services," and he specified four areas where he believed we needed to restore reductions in spending.

Well, we have done that. The budget passed out of committee yesterday addresses each of the Governor's requests.

First, some of the additional federal money was used to add \$72 million to spending for elementary and secondary schools, restoring schools to their current level of funding.

Second, higher education will receive a \$14 million increase.

Third, reductions in spending for health and mental health were restored, and

Finally, 13,000 people were put back on the Medicaid roles.

And, after all of that, the Governor said I still need \$700 million in new taxes.

Governor, we have addressed your concerns, you have more new revenues than you asked for at the beginning of the year, and we have spared the people a tax increase. You should sign the budget. You should not shut down this government. You should end your fight to raise taxes. If you choose to continue this fight, it will be abundantly clear to all Missourians that you can only be satisfied with the largest tax increase in Missouri history and that you are far more interested in creating a crisis than in finding solutions.

The Governor has asked why not let the people decide. The answer is that the people have already decided. Three times since last August the people have said no to tax increases and they have elected a majority of representatives who oppose tax increases. If we ask them again, they'll say, "What part of NO don't you understand?"

It is time to listen to the people we represent. The history books are filled with accounts of Missourians rising to greatness. We don't shrink from hard times; we conquer them. And we will conquer this. Missourians are warm people, they're hard-working people; they are an ingenious and energetic people; and they're there for their families and neighbors during times of hardships. As representatives of these wonderful people, we should not ask for more when they are earning less. It is time to place our trust in our fellow Missourians and to know if we don't increase their burden now, they will make this an even greater state.

Now let's get back to work and put Missourians back to work.

## **PERFECTION OF HOUSE BILLS - APPROPRIATIONS**

**HCS HB 2, with House Amendment No. 1, pending**, relating to appropriations, was again taken up by Representative Bearden.

Speaker Pro Tem Jetton resumed the Chair.

Representative Merideth offered **House Substitute Amendment No. 1 for House Amendment No. 1**.

Representative Stevenson raised a point of order that **House Substitute Amendment No. 1 for House Amendment No. 1** is not a true substitute amendment.

Representative Bearden raised an additional point of order that **House Substitute Amendment No. 1 for House Amendment No. 1** violates House Resolution No. 579.

The Chair ruled the second point of order well taken.

The Chair ruled the first point of order moot.

Representative Shoemyer (9) moved that **House Amendment No. 1** be adopted.

Which motion was defeated by the following vote:

AYES: 062

Abel	Barnitz	Bishop	Bland	Bringer
Brooks	Burnett	Campbell	Carnahan	Corcoran
Curls	Darrough	Daus	Davis 122	Donnelly
Dougherty	El-Amin	Fraser	George	Hampton
Harris 110	Harris 23	Haywood	Henke	Hilgemann
Hoskins	Hubbard	Johnson 61	Johnson 90	Jolly
Jones	Kelly 36	Kratky	Kuessner	Lawson
LeVota	Liese	Lowe	Meiners	Merideth
Ransdall	Sager	Salva	Seigfreid	Selby
Shoemyer	Skaggs	Spreng	Thompson	Villa
Wagner	Walker	Walsh	Walton	Ward
Whorton	Wildberger	Willoughby	Wilson 25	Witte
Young	Zweifel			

NOES: 091

Angst	Avery	Baker	Bean	Bearden
Behnen	Bivins	Bough	Brown	Bruns
Byrd	Cooper 120	Cooper 155	Crawford	Crowell
Cunningham 145	Cunningham 86	Davis 19	Deeken	Dempsey
Dethrow	Dixon	Dusenberg	Emery	Engler
Ervin	Fares	Goodman	Guest	Hobbs
Holand	Hunter	Iceet	Jackson	Jetton
Johnson 47	Kelly 144	King	Kingery	Lager
Lembke	Lipke	Luetkemeyer	Marsh	May
Mayer	Miller	Moore	Morris	Munzlinger
Myers	Nieves	Page	Parker	Pearce
Phillips	Portwood	Pratt	Purgason	Quinn
Rector	Reinhart	Richard	Roark	Ruestman
Rupp	Sander	Schaaf	Schlottach	Schneider
Schoemehl	Self	Shoemaker	Smith 118	St. Onge
Stefanick	Stevenson	Sutherland	Taylor	Threlkeld
Townley	Viebrock	Wallace	Wasson	Wilson 119
Wilson 130	Wood	Wright	Yaeger	Yates
Madam Speaker				

PRESENT: 000

ABSENT WITH LEAVE: 010

Adams	Black	Boykins	Graham	Green
McKenna	Muckler	Smith 14	Vogt	Wilson 42

Representative Johnson (90) requested a verification of the roll call on the motion to adopt **House Amendment No. 1**.

On motion of Representative Bearden, **HCS HB 2** was adopted.

On motion of Representative Bearden, **HCS HB 2** was ordered perfected and printed.

**HCS HB 3**, relating to appropriations, was taken up by Representative Bearden.

**HCS HB 3** was laid over.

**HCS HB 10**, relating to appropriations, was taken up by Representative Bearden.

Representative Lowe offered **House Amendment No. 1**.

**House Amendment No. 1** was withdrawn.

**HCS HB 10** was laid over.

**HCS HB 11**, relating to appropriations, was taken up by Representative Bearden.

Representative Lowe offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 11, Page 39, Section 11.555, Line 27, by deleting "13,000,000" and inserting "12,800,000" and adjusting the section and bill totals accordingly.

On motion of Representative Lowe, **House Amendment No. 1** was adopted.

Speaker Hanaway resumed the Chair.

**HCS HB 11, as amended**, was laid over.

**HCS HB 10**, relating to appropriations, was again taken up by Representative Bearden.

Representative Lowe offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 10, Page 35, Section 10.780, Line 14, by inserting immediately after said line the following:

"From Intergovernmental Transfer Fund . . . . . \$200,000"

and adjust the section and bill totals accordingly.

On motion of Representative Lowe, **House Amendment No. 1** was adopted.

Representative Campbell offered **House Amendment No. 2**.

*House Amendment No. 2*

AMEND House Committee Substitute for House Bill No. 10, Page 15, Section 10.410, Line 14, by deleting "200,000 shall be"; and

Further deleting Lines 15-19 in said section.

Representative Black offered **House Substitute Amendment No. 1 for House Amendment No. 2.**

*House Substitute Amendment No. 1  
for  
House Amendment No. 2*

AMEND House Committee Substitute for House Bill No. 10, Page 15, Section 10.410, Line 15, by inserting after “supply” the following: “community based”; and

Further amend said section, Line 16, by inserting after “services” the following: “in Southeast, Missouri”; and

Further amend said section, Lines 18 and 19, by deleting “Preference shall be given to a provider headquartered in Southeast, Missouri”.

On motion of Representative Black, **House Substitute Amendment No. 1 for House Amendment No. 2** was adopted.

**HCS HB 10, as amended**, was laid over.

**HCS HB 11, as amended**, relating to appropriations, was again taken up by Representative Bearden.

Representative Riback Wilson (25) offered **House Amendment No. 2.**

*House Amendment No. 2*

AMEND House Committee Substitute for House Bill No. 11, Page 40, Section 11.560, Line 3, by deleting the number “208,220,000” and inserting the number “204,620,000” and adjusting bill totals accordingly.

Representative Riback Wilson (25) moved that **House Amendment No. 2** be adopted.

Which motion was defeated.

**HCS HB 11, as amended**, was laid over.

**HCS HB 10, as amended**, relating to appropriations, was again taken up by Representative Bearden.

**HCS HB 10, as amended**, was laid over.

Representative Smith (118) assumed the Chair.

**HCS HB 11, as amended**, relating to appropriations, was again taken up by Representative Bearden.

Representative Stevenson offered **House Amendment No. 3.**

*House Amendment No. 3*

AMEND House Committee Substitute for House Bill No. 11, Page 3, Section 11.010, Line 34, by deleting “\$5,290,610E” and inserting “\$2,000,000”; and

Further amend said bill, Page 3, Section 11.015, by deleting said section and inserting the following new section:

“Section 11.015. There is transferred out of the State Treasury, chargeable to the Basic Civil Legal Services Fund, Two Million Dollars (\$2,000,000) to the Legal Services for Low-Income People Fund, provided that the courts administrative costs be dedicated to the Office of the State Courts Administrators  
From Basic Civil Legal Services Fund ..... \$2,000,000”

and adjust bill totals accordingly.

Representative Johnson (90) offered **House Substitute Amendment No. 1 for House Amendment No. 3.**

*House Substitute Amendment No. 1  
for  
House Amendment No. 3*

AMEND House Committee Substitute for House Bill No. 11, Page 3, Section 11.010, Line 34, by deleting “\$5,290,610E” and inserting “\$2,000,000E”; and

Further amend said bill, Page 3, Section 11.015, by deleting said section and inserting the following new section:

“Section 11.015. There is transferred out of the State Treasury, chargeable to the Basic Civil Legal Services Fund, Two Million Dollars (\$2,000,000) to the Legal Services for Low-Income People Fund, provided that the courts administrative costs be dedicated to the Office of the State Courts Administrators  
From Basic Civil Legal Services Fund ..... \$2,000,000E”

and adjust bill totals accordingly.

On motion of Representative Johnson (90), **House Substitute Amendment No. 1 for House Amendment No. 3** was adopted.

Representative Campbell offered **House Amendment No. 4.**

*House Amendment No. 4*

AMEND House Committee Substitute for House Bill No. 11, Page 28, Section 11.460, Line 40, by adding after said line:

“At least \$750,000 is provided for one-time funding for facilities with Medicaid volume higher than 85%.”.

Representative Bearden offered **House Substitute Amendment No. 1 for House Amendment No. 4.**

*House Substitute Amendment No. 1  
for  
House Amendment No. 4*

AMEND House Committee Substitute for House Bill No. 11, Page 28, Section 11.460, Line 40, by adding after said line the following:

“\$200,000 is provided for one-time funding for facilities with Medicaid volume higher than 90%.”.

On motion of Representative Bearden, **House Substitute Amendment No. 1 for House Amendment No. 4** was adopted.

**HCS HB 11, as amended**, was laid over.

Representative Fraser raised a point of order that a member was not recognized for discussion.

Representative Smith (118) requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order not well taken.

**HCS HB 3**, relating to appropriations, was again taken up by Representative Bearden.

On motion of Representative Bearden, **HCS HB 3** was adopted.

On motion of Representative Bearden, **HCS HB 3** was ordered perfected and printed.

Speaker Hanaway resumed the Chair.

**HCS HB 10, as amended**, relating to appropriations, was again taken up by Representative Bearden.

On motion of Representative Bearden, **HCS HB 10, as amended**, was adopted by the following vote:

AYES: 083

Angst	Avery	Baker	Bean	Bearden
Behnen	Bivins	Black	Bough	Brown
Byrd	Cooper 120	Cooper 155	Crowell	Cunningham 145
Cunningham 86	Davis 19	Dempsey	Dethrow	Dixon
Dougherty	Dusenberg	Emery	Engler	Ervin
Fares	Goodman	Guest	Hobbs	Hunter
Iceet	Jackson	Jetton	Kelly 144	King
Kingery	Lager	Lembke	Lipke	Luetkemeyer
Marsh	May	Mayer	Miller	Morris
Munzlinger	Myers	Nieves	Parker	Pearce
Phillips	Portwood	Pratt	Purgason	Quinn
Rector	Reinhart	Richard	Ruestman	Rupp
Sander	Schaaf	Schlottach	Schneider	Self
Shoemaker	Smith 118	St. Onge	Stefanick	Stevenson



Sutherland	Taylor	Threlkeld	Townley	Viebrock
Wallace	Wasson	Wilson 119	Wilson 130	Wood
Wright	Yates	Madam Speaker		

NOES: 073

Abel	Adams	Barnitz	Bishop	Bland
Bringer	Brooks	Bruns	Burnett	Campbell
Carnahan	Corcoran	Crawford	Curls	Darrough
Daus	Davis 122	Deeken	Donnelly	El-Amin
Fraser	George	Green	Hampton	Harris 110
Harris 23	Haywood	Henke	Hilgemann	Hoskins
Hubbard	Johnson 47	Johnson 90	Jolly	Jones
Kelly 36	Kratky	Kuessner	Lawson	LeVota
Liese	Lowe	McKenna	Meiners	Merideth
Moore	Muckler	Page	Ransdall	Roark
Sager	Salva	Schoemehl	Seigfreid	Selby
Shoemyer	Skaggs	Spreng	Thompson	Villa
Vogt	Walker	Walsh	Walton	Ward
Whorton	Wildberger	Willoughby	Wilson 25	Witte
Yaeger	Young	Zweifel		

PRESENT: 000

ABSENT WITH LEAVE: 007

Boykins	Graham	Holand	Johnson 61	Smith 14
Wagner	Wilson 42			

Representative Johnson (90) requested a verification of the roll call on the motion to adopt **HCS HB 10, as amended**.

On motion of Representative Bearden, **HCS HB 10, as amended**, was ordered perfected and printed.

**HCS HB 11, as amended**, relating to appropriations, was again taken up by Representative Bearden.

On motion of Representative Bearden, **HCS HB 11, as amended**, was adopted.

On motion of Representative Bearden, **HCS HB 11, as amended**, was ordered perfected and printed.

### SUPPLEMENTAL CALENDAR (June 5, 2003)

#### THIRD READING OF HOUSE BILLS - APPROPRIATIONS

- 1    HCS HB 2 - Bearden
- 2    HCS HB 3 - Bearden
- 3    HCS HB 10 - Bearden
- 4    HCS HB 11 - Bearden

**THIRD READING OF HOUSE BILLS - APPROPRIATIONS**

**HCS HB 2**, relating to appropriations, was taken up by Representative Bearden.

On motion of Representative Bearden, **HCS HB 2** was read the third time and passed by the following vote:

AYES: 095

Angst	Avery	Baker	Bean	Bearden
Behnen	Bivins	Black	Bough	Brown
Bruns	Byrd	Cooper 120	Cooper 155	Crawford
Crowell	Cunningham 145	Cunningham 86	Davis 122	Davis 19
Deeken	Dempsey	Dethrow	Dixon	Dougherty
Dusenberger	Emery	Engler	Ervin	Fares
Goodman	Guest	Hampton	Hobbs	Holand
Hunter	Ice	Jackson	Jetton	Kelly 144
Kelly 36	King	Kingery	Lager	Lembke
Lipke	Luetkemeyer	Marsh	May	Mayer
Miller	Moore	Morris	Munzlinger	Myers
Nieves	Page	Parker	Pearce	Phillips
Portwood	Pratt	Purgason	Quinn	Rector
Reinhart	Richard	Ruestman	Rupp	Salva
Sander	Schaaf	Schlottach	Schneider	Seigfreid
Self	Shoemaker	Smith 118	St. Onge	Stefanick
Stevenson	Sutherland	Taylor	Threlkeld	Townley
Viebrock	Wallace	Wasson	Wildberger	Wilson 119
Wilson 130	Wood	Wright	Yates	Madam Speaker

NOES: 066

Abel	Adams	Barnitz	Bishop	Bland
Boykins	Bringer	Brooks	Burnett	Campbell
Carnahan	Corcoran	Curls	Darrough	Daus
Donnelly	El-Amin	Fraser	George	Graham
Green	Harris 110	Harris 23	Haywood	Henke
Hilgemann	Hoskins	Hubbard	Johnson 47	Johnson 61
Johnson 90	Jolly	Jones	Kratky	Kuessner
Lawson	LeVota	Liese	Lowe	McKenna
Meiners	Merideth	Muckler	Ransdall	Roark
Sager	Schoemehl	Selby	Shoemyer	Skaggs
Spreng	Thompson	Villa	Vogt	Wagner
Walker	Walsh	Walton	Ward	Whorton
Willoughby	Wilson 25	Witte	Yaeger	Young
Zweifel				

PRESENT: 000

ABSENT WITH LEAVE: 002

Smith 14                      Wilson 42

Speaker Hanaway declared the bill passed.

**HCS HB 3**, relating to appropriations, was taken up by Representative Bearden.

On motion of Representative Bearden, **HCS HB 3** was read the third time and passed by the following vote:

AYES: 094

Angst	Avery	Baker	Bean	Bearden
Behnen	Bivins	Black	Bough	Brown
Bruns	Byrd	Cooper 120	Cooper 155	Crawford
Crowell	Cunningham 145	Cunningham 86	Davis 122	Davis 19
Deeken	Dempsey	Dethrow	Dixon	Dougherty
Dusenberg	Emery	Engler	Ervin	Fares
Goodman	Guest	Hampton	Hobbs	Holand
Hunter	Iceet	Jackson	Jetton	Johnson 47
Kelly 144	King	Kingery	Lager	Lembke
Lipke	Luetkemeyer	Marsh	May	Mayer
Miller	Moore	Morris	Munzlinger	Myers
Nieves	Page	Parker	Pearce	Phillips
Portwood	Pratt	Purgason	Quinn	Rector
Reinhart	Richard	Ruestman	Rupp	Sander
Schaaf	Schlottach	Schneider	Seigfreid	Self
Shoemaker	Smith 118	St. Onge	Stefanick	Stevenson
Sutherland	Taylor	Threlkeld	Townley	Viebrock
Wallace	Wasson	Whorton	Wilson 119	Wilson 130
Wood	Wright	Yates	Madam Speaker	

NOES: 067

Abel	Adams	Barnitz	Bishop	Bland
Boykins	Bringer	Brooks	Burnett	Campbell
Carnahan	Corcoran	Curls	Darrough	Daus
Donnelly	El-Amin	Fraser	George	Graham
Green	Harris 110	Harris 23	Haywood	Henke
Hilgemann	Hoskins	Hubbard	Johnson 61	Johnson 90
Jolly	Jones	Kelly 36	Kratky	Kuessner
Lawson	LeVota	Liese	Lowe	McKenna
Meiners	Merideth	Muckler	Ransdall	Roark
Sager	Salva	Schoemehl	Selby	Shoemyer
Skaggs	Spreng	Thompson	Villa	Vogt
Wagner	Walker	Walsh	Walton	Ward
Wildberger	Willoughby	Wilson 25	Witte	Yaeger
Young	Zweifel			

PRESENT: 000

ABSENT WITH LEAVE: 002

Smith 14                      Wilson 42

Speaker Hanaway declared the bill passed.

On motion of Representative Crowell, the House recessed until 7:00 p.m.

### **EVENING SESSION**

The hour of recess having expired, the House was called to order by Speaker Hanaway.

**THIRD READING OF HOUSE BILLS - APPROPRIATIONS**

**HCS HB 10**, relating to appropriations, was taken up by Representative Bearden.

On motion of Representative Bearden, **HCS HB 10** was read the third time and passed by the following vote:

AYES: 083

Angst	Avery	Baker	Bean	Bearden
Behnen	Bivins	Black	Bough	Brown
Byrd	Cooper 120	Cooper 155	Crowell	Cunningham 145
Cunningham 86	Davis 19	Dempsey	Dethrow	Dixon
Dusenberg	Emery	Engler	Ervin	Fares
Goodman	Guest	Hobbs	Hunter	Ice
Jackson	Jetton	Kelly 144	King	Kingery
Lager	Lembke	Lipke	Luetkemeyer	Marsh
May	Mayer	Miller	Morris	Munzlinger
Myers	Nieves	Parker	Pearce	Phillips
Portwood	Pratt	Purgason	Quinn	Rector
Reinhart	Richard	Roark	Ruestman	Rupp
Sander	Schaaf	Schlottach	Schneider	Self
Shoemaker	Smith 118	St. Onge	Stefanick	Stevenson
Sutherland	Taylor	Threlkeld	Townley	Viebrock
Wallace	Wasson	Wilson 119	Wilson 130	Wood
Wright	Yates	Madam Speaker		

NOES: 073

Abel	Adams	Barnitz	Bishop	Bland
Bringer	Brooks	Bruns	Burnett	Campbell
Carnahan	Corcoran	Crawford	Curls	Darrough
Daus	Deeken	Donnelly	El-Amin	Fraser
George	Graham	Green	Hampton	Harris 110
Harris 23	Haywood	Henke	Hilgemann	Hoskins
Hubbard	Johnson 47	Johnson 61	Johnson 90	Jolly
Jones	Kelly 36	Kratky	Kuessner	Lawson
LeVota	Liese	Lowe	McKenna	Meiners
Merideth	Moore	Muckler	Page	Ransdall
Sager	Schoemehl	Seigfreid	Selby	Shoemyer
Skaggs	Spreng	Thompson	Villa	Vogt
Wagner	Walker	Walsh	Walton	Ward
Whorton	Wildberger	Willoughby	Wilson 25	Witte
Yaeger	Young	Zweifel		

PRESENT: 000

ABSENT WITH LEAVE: 007

Boykins	Davis 122	Dougherty	Holand	Salva
Smith 14	Wilson 42			

Speaker Hanaway declared the bill passed.

Representative Johnson (90) requested a verification of the roll call on the motion to third read and finally pass **HCS HB 10**.

**HCS HB 11**, relating to appropriations, was taken up by Representative Bearden.

On motion of Representative Bearden, **HCS HB 11** was read the third time and passed by the following vote:

AYES: 082

Angst	Avery	Baker	Bean	Bearden
Behnen	Bivins	Bough	Brown	Byrd
Cooper 120	Cooper 155	Crowell	Cunningham 145	Cunningham 86
Davis 19	Dempsey	Dethrow	Dixon	Dusenberg
Emery	Engler	Ervin	Fares	Goodman
Guest	Hobbs	Hunter	Ice	Jackson
Jetton	Johnson 47	Kelly 144	King	Kingery
Lager	Lembke	Lipke	Luetkemeyer	Marsh
May	Mayer	Miller	Morris	Munzlinger
Myers	Nieves	Parker	Pearce	Phillips
Portwood	Pratt	Quinn	Rector	Reinhart
Richard	Roark	Ruestman	Rupp	Sander
Schaaf	Schlottach	Schneider	Self	Shoemaker
Smith 118	St. Onge	Stefanick	Stevenson	Sutherland
Taylor	Threlkeld	Townley	Viebrock	Wallace
Wasson	Wilson 119	Wilson 130	Wood	Wright
Yates	Madam Speaker			

NOES: 075

Abel	Adams	Barnitz	Bishop	Black
Bland	Boykins	Bringer	Brooks	Bruns
Burnett	Campbell	Carnahan	Corcoran	Crawford
Curls	Darrough	Daus	Deeken	Donnelly
El-Amin	Fraser	George	Graham	Green
Hampton	Harris 110	Harris 23	Haywood	Henke
Hilgemann	Hoskins	Hubbard	Johnson 61	Johnson 90
Jolly	Jones	Kelly 36	Kratky	Kuessner
Lawson	LeVota	Liese	Lowe	McKenna
Meiners	Merideth	Moore	Muckler	Page
Purgason	Ransdall	Sager	Schoemehl	Seigfreid
Selby	Shoemyer	Skaggs	Spreng	Thompson
Villa	Vogt	Wagner	Walker	Walsh
Walton	Ward	Whorton	Wildberger	Willoughby
Wilson 25	Witte	Yaeger	Young	Zweifel

PRESENT: 000

ABSENT WITH LEAVE: 006

Davis 122	Dougherty	Holand	Salva	Smith 14
Wilson 42				

Speaker Hanaway declared the bill passed.

**ADJOURNMENT**

On motion of Representative Crowell, the House adjourned until 12:00 p.m., Thursday, June 12, 2003.

**CORRECTION TO THE HOUSE JOURNAL**

Correct House Journal, Third Day, Wednesday, June 4, 2003, Page 2, Line 18, by inserting immediately after the name "Merideth", the name "Miller".

**HOUSE CALENDAR**

FIFTH DAY, THURSDAY, JUNE 12, 2003

**HOUSE JOINT RESOLUTION FOR SECOND READING**

HJR 1

**HOUSE BILL FOR SECOND READING**

HB 31